

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TiVo Inc., a Delaware corporation,  
  
Plaintiff,

v.

1. Dish Network Corporation, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation., a Texas corporation; 4. Echosphere L.L.C., a Colorado limited liability company; 5. EchoStar Satellite L.L.C., a Colorado limited liability company; and 6. EchoStar Corporation, a Nevada corporation.

Defendants.

No. 2-04cv01 DF  
(Judge Folsom)

**STIPULATION RE: TIVO'S  
ATTORNEY'S FEES AND COSTS  
PER ORDER OF SEPTEMBER 4, 2009**

Plaintiff TiVo Inc. ("TiVo") and defendants Dish Network Corporation; EchoStar DBS Corporation; EchoStar Technologies Corporation; Echosphere L.L.C.; EchoStar Satellite L.L.C.; and EchoStar Corporation (collectively "EchoStar") by and through their counsel of record, stipulate as follows:

WHEREAS on June 2, 2009, the Court found EchoStar in contempt and EchoStar has appealed from that finding in Case No. 2009-1374 (Fed. Cir.);

WHEREAS on September 4, 2009, the Court found that "TiVo is entitled to a reimbursement of attorney's fees and costs incurred during the contempt proceedings," including "those related to expert witnesses," and stated that "[i]f the parties cannot agree on the amount incurred by TiVo, then TiVo may request that the Court resolve this dispute";

WHEREAS the parties wish to resolve by this stipulation only the issue of the amount of the attorney's fees and costs, including expert witness fees and costs, TiVo incurred during the contempt proceedings;

NOW THEREFORE the parties stipulate and agree as follows:

1. The attorney's fees and costs, including expert witness fees and costs, TiVo incurred during the contempt proceedings amount to \$5.8 million;
2. Both parties agree to waive only any right they may have to appeal the issue of the amount of the attorney's fees and costs, including expert witness fees and costs, TiVo incurred during the contempt proceedings; and
3. Nothing in this Stipulation shall affect EchoStar's ability to continue its challenge in the pending appeal No. 2009-1374 to the basis for any award of attorney's fees and costs, including expert witness fees and costs.

Dated: February 3, 2010

By: /s/ Christine Byrd  
Christine Byrd

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing document was served on all parties by electronic filing and electronic service on the 3rd day of February 2010.

By: /s/ Christine Byrd  
Christine Byrd